

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
SPECIAL MEETING
TUESDAY, AUGUST 8, 2006**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a Special Meeting of the Scottsdale City Council at 5:07 P.M. on Tuesday, August 8, 2006 in the City Hall Kiva.

ROLL CALL

Present: Mayor Manross
Vice Mayor W.J. "Jim" Lane
Council Members Betty Drake, Wayne Ecton, Robert Littlefield,
Ron McCullagh and Tony Nelssen

Also Present: Assistant City Manager Ed Gawf
City Attorney Deborah Robberson
City Clerk Carolyn Jagger

MINUTES

REGULAR MEETINGS

July 10, 2006

July 11, 2006

Councilman Nelssen requested that the July 11, 2006 minutes for Item No. 36 be amended to reflect his request for the City's involvement in the naming rights of the wildlife conservation area and that Roger Klingler had answered in the affirmative.

COUNCILMAN MCCULLAGH MOVED FOR APPROVAL OF THE REGULAR MEETING MINUTES OF JULY 10, 2006, AND JULY 11, 2006, AS AMENDED. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 7-0.

PUBLIC COMMENT

Eric Borowsky, 22214 N La Senda Dr, 85255, challenged Mayor Manross to debate the issues of Proposition 401.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

Jamie Capobres, 10670 E Rosemary, 85255, spoke in support of Proposition 401, stating there is overwhelming support by citizens and community leaders.

- 1. Initiate Appeal of Development Review Board Decision Regarding the 4020 Building**
Request: Consider whether to initiate a formal City Council appeal of the Development Review Board's July 20, 2006 decision, which approved the site plan and elevations for the 4020 Building, located on the northwest corner of 1st Avenue and Scottsdale Road.
Related Policies, References: City Charter Article II, Section 13; City Code Section 1.907 regarding Appeals of Development Review Board Decisions; Development Review Board Case 110-DR-2005 staff report, attachments, draft minutes and public comment.
Staff Contact(s): Ed Gawf, Assistant City Manager, egawf@scottsdaleaz.gov, 480-312-4510; Randy Grant, Chief Planning Officer, rgrant@scottsdaleaz.gov, 480-312-7995

The applicants made a presentation to the Council that included the background and history of the project. Their goal is to create an appropriate transitional architectural design that is responsive to adjacent development to the south, in Old Town, and to the north. The applicants declared their long-term commitment to the community, and pledged to return to the Development Review Board (DRB) study session with stipulations for modification, including alternative exterior materials, modification of colors, enhanced pedestrian walkway shade elements, recessed window treatment and retention of the round planters with pedestrian seating. The applicants asked if they could work through the DRB process. However, if the Council decided to initiate an appeal, the applicants would like the appeal to be heard at the earliest possible date.

Mayor Manross opened public testimony:

Sonnie Kirtley, 8507 E Highland, 85251, expressed concern about the color and the massive, square appearance of the building, and urged the Council to use wisdom in representing the citizens.

Jeremy Jones, 10668 E Autumn Sage Rd, 85255, Vice Chair of the Development Review Board, said this is a dynamic issue, and the proposed remodel should serve as a transition from Old Town to a large scale, contemporary development.

Michael Fernandez, 4338 N Scottsdale Rd, 85251, agreed that the materials for the building need to be changed to fit the Old Town style. Mr. Fernandez also expressed concern about light rail transit.

JoAnn Handley, 6813 E Monterey Wy, 85251, stated the downtown area is viable, unique and western. She would like the building to have more western characteristics, reflecting the ambiance of its surroundings.

Lois Fitch, 1229 N Granite Reef Rd, 85257, believes the present design is not in harmony and keeping with the architecture and ambiance of Old Town, and requested that the developer go back to the drawing board and get more public input.

Michael Kelly, 8973 N 84th Wy, 85258, said it was the Council's responsibility to be fiduciaries of the voter-approved General Plan and design guidelines. He suggested that members of the boards and commissions be educated on the provisions of these documents.

Will Bruder, 3707 N Marshall Wy, 85251, spoke to the frame and scale that define Old Town. He believes it is inappropriate to appeal the Development Review Board's decision.

Marilyn Atkinson, 3957 N Brown Ave, 85251, dislikes the hard edges of the 4020 building. She said that the Council members are the stewards of Old Town, and, as such, requested they guard and protect the history of the City.

Susan Wheeler, 9616 E Kalil, believes this is an opportunity to have the building blend into the downtown, and cautioned against putting contemporary, hard-edged architecture next to Old Town because it would make the area look old and tired.

Michael Kurtti, 1119 N 73rd Pl, 85257, thinks the Council has more important things to consider than an appeal from the Development Review Board, and feels the project fits into the area very well.

Mayor Manross closed public comment.

Council/staff discussion:

- Some Councilmembers believe that the present design of the 4020 building does not meet the specifications of the General Plan or the Downtown Design Guidelines. Specific concerns include the color scheme, integrity of building materials, pedestrian walkways, and recessed windows, creating shade and articulating the mass.
- It was acknowledged that the location of the building is on the edge of Old Town and that contemporary transitional architecture may be appropriate for this location, but it should fit within the context of the downtown area.
- Upon questioning by Council, staff verified their recommendation of a continuance before the Development Review Board because of unresolved design and context issues. In addition, staff has had several meetings with the applicant to discuss Downtown Design Guidelines, the Downtown Plan, zoning requirements and design review. Adjustments to the project were made by the applicant, and staff expressed the belief that the project is evolving in the right direction, but there are still a number of concerns that need to be resolved. Upon further questioning, staff acknowledged that after the adjustments were made, the Development Review Board was satisfied the reasons for the continuance had been answered.
- Staff confirmed that the intent of the item is to decide whether to initiate an appeal of the Development Review Board's decision. If an appeal is initiated, the ordinance provides that the Council will decide at a future hearing whether to uphold, modify or overrule that decision.
- Council expressed their continued confidence in the abilities and judgment of the members of the Development Review Board. However, it was acknowledged that, as elected officials, the Council was ultimately responsible for final decisions.
- It was verified that recommendations derived in Development Review Board study sessions are not enforceable. As a result, several Councilmembers affirmed that appeal of the DRB decision is necessary, as it is consistent with the Charter, the General Plan and Council responsibilities.
- Vice Mayor Lane expressed concern about the consistent application of the rules and subjecting developers to a complete redesign of their projects based on appeals of board decisions.

MOTION AND VOTE – ITEM 1

COUNCILMAN LITTLEFIELD MOVED TO INITIATE A FORMAL CITY COUNCIL APPEAL. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 6-1, WITH VICE MAYOR LANE DISSENTING.

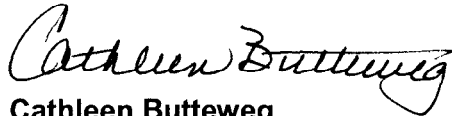
CITY MANAGER’S REPORT – None

MAYOR AND COUNCIL ITEMS – None

ADJOURNMENT

With no further business to discuss, the Special Meeting adjourned at 7:14 P.M.

SUBMITTED BY:



Cathleen Butteweg
Recording Secretary

REVIEWED BY:



Carolyn Jagger
City Clerk

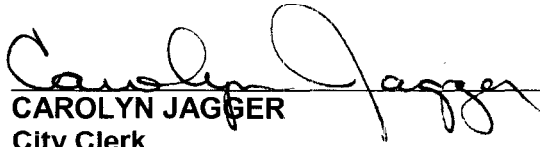
Officially approved by the City Council on August 29, 2006

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Special Meeting of the City Council of Scottsdale, Arizona held on the 8th day of August 2006.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 29th day of August 2006.


CAROLYN JAGGER
City Clerk